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File No.: A33403-PCT-USA-A (072854.0114)

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Potter et al.

Serial No. : 09/633,697

Examiner: McKenzie, T.

Filed : August 7, 2000

Group Art Unit: 1624

For : HYDROXYLATION DRUG RELEASE

RESPONSE TO RESTRICTION REQUIREMENT

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231

October 9, 2001

Date of Deposit

Louis S. Sorell

Attorney Name

[Signature]
Signature

32,439

PTO Registration No.

October 9, 2001

Date of Signature

Assistant Commissioner for Patents

Washington, D.C. 20231

Attention: Box Non-Fee

Sir:

This is in response to the Official Action mailed August 8, 2001 for the above-identified patent application.

The subject Official Action required Applicants to restrict prosecution of the claims in this application to either Group I (Claims 42-48), Group II (Claims none),

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or Group III (Claims 53-56). Accordingly, Applicants elect Group I for prosecution in this application. However, Applicants respectfully traverse the subject restriction requirement because it is respectfully submitted that all of the Claims 37-56 may properly be examined together.

The Official Action further required Applicants to elect a single disclosed species according to 35 U.S.C. § 121, even though the requirement may be traversed. Applicants hereby elect the species defined as Compound XIX, which is disclosed in Claim 45 as well as in the specification at pages 12, 20, 28-29, and 35. However, Applicants respectfully traverse the subject restriction requirement.

In view of the foregoing elections, examination of this application on the merits is respectfully requested.

Respectfully submitted,



Louis S. Sorell
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